

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

KENNETH DWAYNE HARTH, SR.

PLAINTIFF

v.

No. 4:20CV47-RP

**MISSISSIPPI DEPARTMENT
OF CORRECTIONS, ET AL.**

DEFENDANTS

**ORDER DISMISSING CASE FOR FAILURE
TO EXHAUST ADMINISTRATIVE REMEDIES**

On March 18, 2022, the court ordered the plaintiff to show cause why, based upon the grievances he attached to his complaint, this case should not be dismissed because he failed to exhaust administrative remedies. On April 6, 2022, Mr. Harth responded to the Show Cause Order, presenting mail logs showing that, before filing this case, he sent correspondence to the Administrative Remedy Program (“ARP”) and received correspondence from ARP. The mail logs do not, however, reveal the content of those letters; as such, the mail logs do not show that Mr. Harth exhausted his administrative remedies as to his claim for denial of adequate medical care against Nurse Golliday, the sole remaining defendant in this case. As such, in accordance with the court’s Show Cause Order, the instant case is **DISMISSED** without prejudice for failure to exhaust administrative remedies.

SO ORDERED, this, the 14th day of April, 2022.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE